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| Title of Report: | Planning Committee Report – LA01/2024/0170/O |
| Committee Report Submitted To: | Planning Committee |
| Date of Meeting: | 27th November 2024 |
| For Decision or For Information | For Decision – Referred Application by Alderman John McAuley |

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| Linkage to Council Strategy (2021-25) | |
| Strategic Theme | Cohesive Leadership |
| Outcome | Council has agreed policies and procedures and decision making is consistent with them |
| Lead Officer | Development Management and Enforcement Manager |

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| Budgetary Considerations | |
| Cost of Proposal | Nil |
| Included in Current Year Estimates | N/A |
| Capital/Revenue | N/A |
| Code | N/A |
| Staffing Costs | N/A |

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| Screening Requirements | Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals. | | |
| | Screening Completed: | N/A | Date: |

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| Section 75 Screening | | | |
| | EQIA Required and Completed: | N/A | Date: |
| Rural Needs Assessment (RNA) | Screening Completed | N/A | Date: |
| | RNA Required and Completed: | N/A | Date: |
| Data Protection Impact Assessment (DPIA) | Screening Completed: | N/A | Date: |
| | DPIA Required and Completed: | N/A | Date: |

No: LA01/2024/0170/O **Ward:** Rasharkin

App Type: Outline

Address: Approximately 35m South West of 344 Craigs Road Rasharkin

Proposal: Proposed Infill Dwelling and Garage

Con Area: N/A **Valid Date:** 14.02.2024

Listed Building Grade: N/A

Agent: 2020 Architects, 49 Main Street, Ballymoney, BT53 6AN

Applicant: Nigel Ritche, 344 Craigs Road, Rasharkin

Objections: 0 **Petitions of Objection:** 0

Support: 0 **Petitions of Support:** 0

EXECUTIVE SUMMARY

- Outline planning sought for a new dwelling under CTY8.
- The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy CTY 8 of Planning Policy Statement 21, in that there is not a substantial and continuously built up frontage along this laneway and the gap is too large to accommodate a maximum of two houses whilst respecting the existing development pattern along the frontage in terms of size, scale, siting and plot size.
- The proposal is also contrary to Policy and CTY14 of PPS21, Sustainable Development in the Countryside, in that if a dwelling were to be approved it would be detrimental to the rural character of the area by creating ribbon development along this laneway resulting in a suburban style build-up of development when viewed with existing buildings.
- Refusal is recommended.

Drawings and additional information are available to view on the Planning Portal-
<https://planningregister.planningssystemni.gov.uk/simple-search>

1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to **REFUSE** full planning permission subject to the reasons set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application site is located within the rural area as identified within the Northern Area Plan (NAP) 2016. The site is located approximately 35m Southwest of No. 344 Craigs Road Rasharkin
- 2.2 The site comprises the north-eastern section of a wider agricultural field. The site is accessed off an existing private laneway which serves other dwellings/buildings. The topography of the site rises steadily from the south-west towards the north-east. It is significantly elevated above the buildings located to the south-west.

3 RELEVANT HISTORY

Panning Reference: LA01/2024/0172/O

Location: Approximately 75m South West of 344 Craigs Road Rasharkin

Proposal: Proposed Infill Dwelling and Garage

Decision: Under consideration

Panning Reference: LA01/2022/1581/F

Location: 344 Craigs Road Rasharkin

Proposal: Proposed extension & alterations to existing dwelling,

Proposed detached garage and extension of curtilage

Decision: Permission Granted 04.08.2023

4 THE APPLICATION

4.1 This is an outline application for an infill dwelling.

5 PUBLICITY & CONSULTATIONS

5.1 External

One (1) neighbouring dwelling was notified of the proposal. No letters of representation have been received.

5.2 Internal

Department for Infrastructure (Roads) – Content
NIEA (Water Management Unit) – Content
NI Water – Content
Environmental Health – Content

6 MATERIAL CONSIDERATIONS

6.1 Section 45(Section 45(1) of the Planning Act (Northern Ireland) 2011 requires that all applications must have regard to the local plan, so far as material to the application, and all other material considerations. Section 6(4) states that in making any determination where regard is to be had to the local development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

6.2 The development plan is:

- Northern Area Plan 2016 (NAP)

6.3 The Regional Development Strategy (RDS) is a material consideration.

6.4 The Strategic Planning Policy Statement for Northern Ireland (SPPS) is a material consideration. As set out in the SPPS, until such times as both a new local plan strategy is adopted, councils will apply specified retained operational policies.

- 6.5 Due weight should be given to the relevant policies in the development plan.
- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

6.7 **RELEVANT POLICIES & GUIDANCE**

- 6.8 The application has been assessed against the following planning policy and guidance:
The application has been assessed against the following planning policy and guidance:
Regional Development Strategy 2035.
Northern Area Plan 2016.
Strategic Planning Policy Statement.
PPS 3: Access, Movement and Parking.
PPS 21: Sustainable Development in the Countryside.
Building on Tradition: A sustainable Design guide for Northern Ireland.

7.0 **CONSIDERATIONS & ASSESSMENT**

PPS 3: Policy AMP 2 - Access to Public Roads

- 7.1 Planning Policy Statement 3 relates to vehicular and pedestrian access, transport assessment, and the protection of transport routes, and parking. Planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where:
- a) such access will not prejudice road safety or significantly inconvenience the flow of traffic; and
 - b) the proposal does not conflict with Policy AMP 3 Access to Protected Routes.
- 7.2 DFI Roads were consulted on the proposal and were content subject to conditions. It is considered the proposal will not prejudice road safety or significantly inconvenience the flow of traffic.

PPS 21: Sustainable Development in the Countryside

- 7.3 Taking into account the transitional arrangements of the SPPS, retained PPS 21 provides the relevant policy context for the

proposal. Supplementary guidance on PPS 21 is contained in document 'Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside' which seeks to promote quality and sustainable building design in Northern Ireland's countryside.

Policy CTY 1

- 7.4 Policy CTY1 of PPS21 sets out a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. Policy CTY1 indicates that the development of a small gap site within an otherwise substantial and built up frontage is such a form of acceptable development in accordance with Policy CTY8.

Policy CTY8

- 7.5 CTY 8 states that planning permission will be refused for a building which creates or adds to ribbon development. It does however state that an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. For the purpose of this policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.
- 7.6 It is considered there is not a substantial and continuously built up frontage along this laneway. No. 344 Craigs Road is the only dwelling with a frontage to the lane. As per the case officers site visit, and from the OS maps, it is clear that the laneway terminates once it reaches the buildings to the far south west of the site. This plot and associated buildings are accessed from the laneway but do not have a frontage to the laneway. It is not accepted that the laneway runs through this plot as it is within the defined private curtilage.
- 7.7 The agent referred to appeal 2021/A0094 with regards including the garage of No. 344 Craigs Road within the assessment of a substantial and continuously built up frontage; the commissioner within the appeal stated that "the garage can be seen and sits in the landscape as a building in its own entity that is clearly detached from

the dwelling”. In this case, the Council does not agree that the garage belonging to No. 344 Craigs Road has the same visual impact. The garage is small in size and scale and is easily missed when travelling along the laneway.

- 7.8 The policy also requires the gap site to be small in that a maximum of two dwellings could be accommodated within the resulting gap. The Justification and Amplification text at Paragraph 5.34 is clear that the gap site must be between houses or other buildings. The guidance in Building on Tradition indicates that when the gap is more than twice the length of the average plot width, it is often unsuitable for infill with two new plots. The gap between No 344 Craigs Road and the dwelling/buildings to the south west measures 117metres.
- 7.9 The plot width of No. 344 Craigs Road measures 28.2metres while the plot further south west has a plot frontage of the site measures 15.1metres or if measured vertically, 42.4metres. The average plot frontage is therefore 21.65metres or 35.3 (depending on which way the width is interpreted for the plot to the south west). Nonetheless, it is considered the gap of 117metres could accommodate more than 2 dwellings while respecting the existing plot sizes in accordance with CTY8.
- 7.10 It is considered there is not a substantial and continuously built up frontage along this laneway and the gap is too large to accommodate a maximum of two houses whilst respecting the existing development pattern along the frontage in terms of size, scale, siting and plot size and therefore fails policy CTY8.

Policy CTY 13

- 7.11 Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. A new building will be unacceptable where:
- (a) it is a prominent feature in the landscape; or
 - (b) the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; or
 - (c) it relies primarily on the use of new landscaping for integration; or
 - (d) ancillary works do not integrate with their surroundings; or

- (e) the design of the building is inappropriate for the site and its locality; or
- (f) it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop; or
- (g) in the case of a proposed dwelling on a farm (see Policy CTY 10) it is not visually linked or sited to cluster with an established group of buildings on a farm.

Policy CTY14

- 7.12 Policy CTY14 of PPS21 states planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area.
- 7.13 Planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. A new building will be unacceptable where:
- (a) it is unduly prominent in the landscape; or
 - (b) it results in a suburban style build-up of development when viewed with existing and approved buildings; or
 - (c) it does not respect the traditional pattern of settlement exhibited in that area; or
 - (d) it creates or adds to a ribbon of development (see Policy CTY 8); or
 - (e) the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.
- 7.14 It is noted that PPS21 states the determination of whether a new building integrates into the landscape is not a test of invisibility but rather it requires an assessment of the extent to which the development of the proposed site will blend in unobtrusively with its immediate and wider surroundings.
- 7.15 The application site and the surrounding area rises steadily from the south west towards the north east, however, there are no critical views from any public roads due to the distance the site is set back from the Craigs Road and the intervening topography and no concerns with regards to prominence on this site. No. 344 Craigs Road is single storey and screens views of the site when travelling along the laneway until past the dwelling. It is considered a dwelling

with a ridge of no more than 5.5metres, would ensure the proposal is not a prominent feature in the landscape.

- 7.16 The site benefits from existing hedging along the north western and north eastern boundaries which would aid integration of a dwelling on this site. Further landscaping would be required to aid integration however, if the outline were approved, this could be detailed at Reserved Matters stage.
- 7.17 Overall, if a dwelling were to be approved it would be detrimental to the rural character of the area by creating ribbon development along this laneway resulting in a suburban style build-up of development when viewed with existing buildings, failing CTY14.

Habitat Regulations Assessment

- 7.18 The potential impact of this proposal on Special Areas of Conservation, Special Protection Areas and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the conservation (Natural habitats, etc) Regulations (Northern Ireland) 1995 (as amended). The proposal would not be likely to have a significant effect on the features, conservation objectives or status of any of these sites.

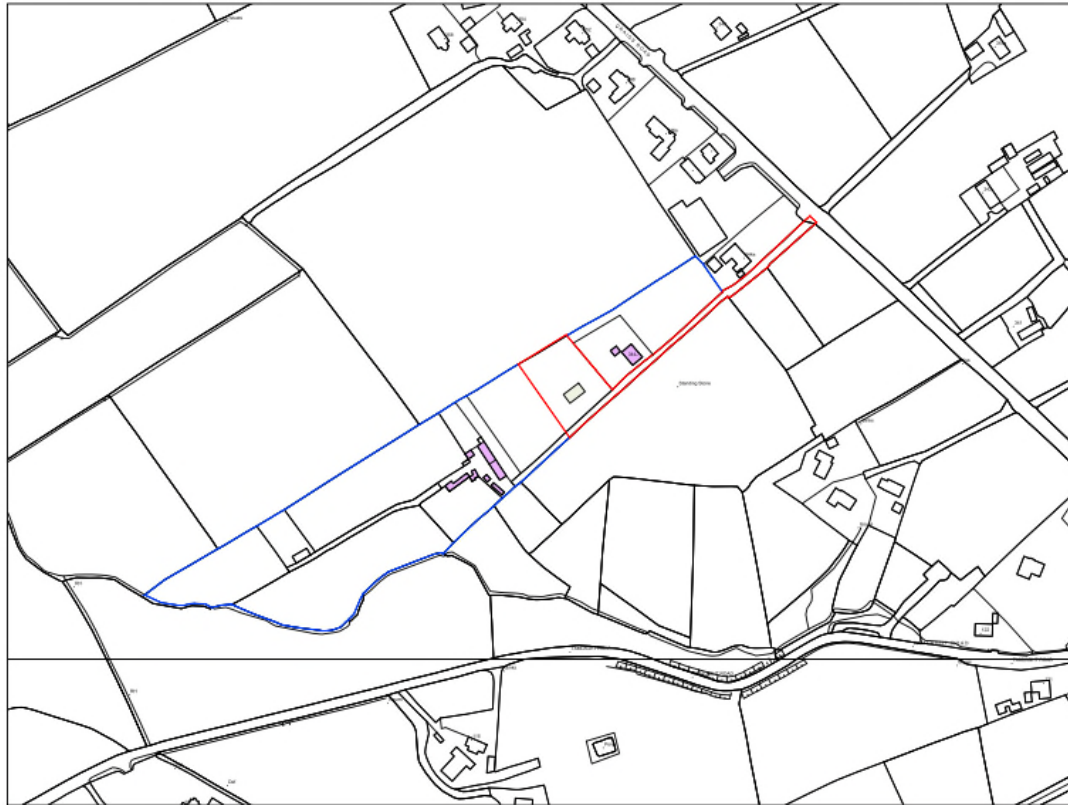
8 CONCLUSION

- 8.1 The proposal is considered unacceptable in this location having regard to the Northern Area Plan 2016 and other material considerations including Planning Policy Statement 21 – Sustainable development in the Countryside, CTY 1, CTY8 and CTY14; in that there is not a substantial and continuously built up frontage along this laneway and the gap is too large to accommodate a maximum of two houses whilst respecting the existing development pattern along the frontage in terms of size, scale, siting and plot size, and therefore also failing CTY14 in that if a dwelling were to be approved it would be detrimental to the rural character of the area by creating ribbon development along this laneway resulting in a suburban style build-up of development when viewed with existing buildings.

9 Reasons for Refusal

- 9.1 The proposal is contrary to Paragraph 6.73 of the SPPS and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 9.2 The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy CTY 8 of Planning Policy Statement 21, in that there is not a substantial and continuously built up frontage along this laneway and the gap is too large to accommodate a maximum of two houses whilst respecting the existing development pattern along the frontage in terms of size, scale, siting and plot size.
- 9.3 This proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that if a dwelling were to be approved it would be detrimental to the rural character of the area by creating ribbon development along this laneway resulting in a suburban style build-up of development when viewed with existing buildings.

Site location Map



- Site Location
- Land Owned
- Buildings Forming Ribbon Development
- Indicative Locations of Infill Dwelling



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| Rev | Description | Date | By |
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Planning

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|----------------|--|--------------|------------|
| Project: | Proposed 4x8 Dwelling, approximately 35m South West of 344 Craig Road, Rathfriland, D14 V8C2 | Project No: | AP1027-02b |
| Client: | Algal Bricks | Date: | 18.01.2024 |
| Drawing No: | FD001 | Revision No: | |
| Site Location: | Drawn by: JM Checked by: MH Scale: 1:3500 (A3) | | |

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Annex 1

Template for Requesting Referral of a Contentious Delegated Decision to Issue' List Planning Application to Planning Committee for Determination

The Protocol for the Operation of the Planning Committee provides for an Elected Member to request a planning application listed on the weekly list of 'contentious delegated decisions ready' to be referred to Planning Committee for determination. This request must be received by the Planning Department no later than 10am on the Monday following the issuing of the contentious list and submitted via email to planning@causewaycoastandglens.gov.uk.

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|---|-----------------------|
| Planning Reference | LA01/2024/0170/O |
| Elected Member Name | Alderman John McAuley |
| Contact Details | Tel: Email: |
| <p>Refusal Reasons</p> <p>1. The proposal is contrary to Paragraph 6.73 of the SPPS and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.</p> <p>2. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy CTY 8 of Planning Policy Statement 21, in that there is not a substantial and continuously built up frontage along this laneway and the gap is too large to accommodate a maximum of two houses whilst respecting the existing development pattern along the frontage in terms of size, scale, siting and plot size.</p> <p>3. This proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that if a dwelling were to be approved it would be detrimental to the rural character of the area by creating ribbon development along this laneway resulting in a suburban style build-up of development when viewed with existing buildings.</p> | |



Additional Supporting Information:

- The predominant reason for refusal relates to the principle of ribbon development and the proposals adherence to this. Paragraph 5.33 of PPS21 clearly states that “Buildings sited back, staggered or at angles and with gaps between them can still represent ribbon development, if they have a common frontage or they are visually linked.” Appeal 2021/A0094 was raised with the planning department but they have dismissed the precedent set within this as the garage at no.344 craigs road is not large. However, the garage on the appeal site was also not large, a single bay garage. It is my opinion that the proposal and the appeal are identical in these terms in that whilst it is a small garage, it is visible from the laneway and clearly detached from the dwelling at no.344 Craigs Road. This would mean that the dwelling at no.344 craigs road and the garage count as two buildings towards the 3. The final building is the old detached farm house to the south west. The planning department have stated that the farm house accesses off the lane and does not front it, though it could be argued that the lane extends through the farm and travels for a further couple of fields. This would mean that there are 3 buildings which represent a ribbon of development and would comply with this element of the policy.
- The second element of CTY8 is respecting the ribbon in terms of frontage, plot size etc. the frontage length of no.344 craigs road is larger than previously stated as the curtilage was extended under a previous application, which would mean the gap can only accommodate 2 houses in the gap between buildings and not 3, making it comply with policy CTY8
- The case officers report states that the proposal could integrate into the landscape with a carefully selected ridge height and some screen planting but as they do not determine the sites to be infills it fails. I believe that the proposal is within the provisions of policy CTY1 & CTY8 of PPS21 and would request that the application is deferred to the planning committee due to the irreconcilable differences in policy interpretation between the agents and the planning department.

